

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BENJAMIN J. GONZALEZ,

Plaintiff,

v.

No. 16-CV-0909-JB-LAM

STATE OF NEW MEXICO, et al.,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. On August 23, 2016, the Court entered an Order to Cure Deficiency, which required Plaintiff to pay the \$400 filing fee or submit a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. [*Doc. 3*] The Court also ordered Plaintiff to submit an amended civil rights complaint on the proper form. *Id.* The Court informed Plaintiff that “[f]ailure to cure the designated deficiencies **within thirty (30) days from the date of this order** may result in **dismissal** of this action without further notice.” *Id.* (emphasis in original).

As of this date, Plaintiff has not paid the \$400 filing fee, submitted a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, submitted an amended civil rights complaint on the proper form, or otherwise responded to the Court's order. Because Plaintiff has failed to comply with the Court's order, the Court will require Plaintiff to show cause why this action should not be dismissed. *See* Fed. R. Civ. P. 41(b) (providing for involuntary dismissal “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order”). **Failure to comply with this Order may result in the dismissal of this action without**

further notice. *See Cosby v. Meadors*, 351 F.3d 1324, 1327 (10th Cir. 2003) (holding that a prisoner civil rights action may be dismissed for “failure to comply with [a court] order”).

IT IS THEREFORE ORDERED that, **within thirty (30) days from entry of this order**, Plaintiff shall comply with the Court’s August 23, 2016 Order to Cure Deficiency or show cause why this action should not be dismissed.

IT IS FURTHER ORDERED that, **if Plaintiff fails to cure the designated deficiencies within thirty (30) days from the date of this order, this action may be dismissed without prejudice without further notice.**

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE